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June 12, 2002

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In re application of:
Boris Skurkovich, et al
Serial No.: 09/511,972
Filed: February 24, 2000

DECISION ON PETITION

For: METHOD OF PREVENTION AND TREATMENT OF ASTHMA
AND ALLERGIC CONDITIONS

This is a decision on the petition received February 11, 2002, to withdraw the holding of abandonment in the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. 1.113 in a timely manner to the Notice to File Missing Parts of Application mailed April 19, 2000. Which set a shortened statutory period for reply of two (2) months. Accordingly, this application became abandoned June 20, 2000. A notice of abandonment was mailed November 19, 2001.

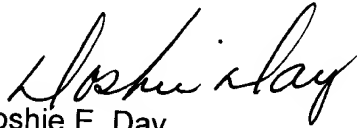
On February 11, 2002, the office received a communication from the attorney of record. Enclosed was an acknowledgment that counsel never received the Notice of Missing Parts mailed on April 19, 2000.

The evidence submitted is sufficient to establish that the petitioners did not receive the Notice of Missing Parts mailed April 19, 2000.

The petition is hereby GRANTED.

A new Notice to File Missing Part is enclosed with this Decision setting forth a new response period of two months from the date of the notice.

Telephone inquiries concerning this matter may be directed to Doshie E. Day at (703) 308-3640.

A handwritten signature in cursive script, appearing to read "Doshie E. Day".

Doshie E. Day
Program Management Assistant
Office Initial Patent Examination.